

*Observations on the Fifth Article of the Treaty of UNION, humbly offered to the Consideration of the Parliament, relating to Foreign Ships.*

**T**HE Matter of Difficulty upon this Head, I take to be as follows. By the Article, all Ships, any of whose Owners were Foreigners at the Signing of the Treaty, shall be Deem'd still Foreign Bottoms within the Terms of the Act of Navigation.

The Reason of this is plain, Most of the Shipping employ'd on the South-East of Scotland, are Foreign Bottoms, and severals of them own'd by Foreigners, principally *Dutch*. Now, as *England* is very careful to Encourage her own Shipping; and as *Britain* will after the Union still be so the Encrease, Employment and Building of Ships being one of the Principal Foundations of her Wealth. It would be hard to admit any Ships, which are Foreign built, to be free Ships in Scotland, when none that are so in *England* can be admitted.

*England* freely admits all Ships built in Scotland to

be free in all the Ports and Trade of *Britain*; --- Nay, to go further, *England* allows by the Union, even *Dutch* Ships, if bought by *Scots* Men, and belonging to *Scots* Owners, to be free, which is more than any *English*-man can be allow'd. --- Nay, If a Foreign built Ship lay now at *Leith* Road, and her Owners were all *English*-men, she would not be Deem'd a free Ship by the Union; but the *English* Owners would loose the benefit of employing her; and the Reason of this is, to Encourage our own Shipping, on which so much depends, and this Benefit will be plainly *Scotland's* at last.

But the Objection here, is, We have a great many Ships in our Trade that are Foreign built, and that are chiefly own'd by *Scots*-men, but perhaps may have one or more Owners abroad; and it would be hard that these *Scots*-men should lose the Benefit of their Ships which they employ in the Trade of their Native Country, only because they have some *Dutch*-men concerned with them, — when at the same time 'tis plain, that if these *Dutch*-men were not concerned, the Trade of *Scotland* would with great difficulty be carried on.

The Expedient propos'd for this, as I meet with it, is, That a reasonable time should be given for the Subjects of *Scotland* to buy out their *Dutch* Owners or sell their own Interest.





Or that it should have been said, All Ships &c. whose Owners were Scots-men, at the End, or Ratification of the Treaty, &c. since till the Treaty is Concluded, every Scots-man has a Right to employ any Ship whatever.

To Answer this, I crave leave to say, That this tho plausible in its self, has yet Inconveniencies of a nature Intolerable, because by this, any Man in *England*, as well as in *Scotland*, may in the name of Scotsmen, Buy what number of Ships in *Holland* they please, and at the end of the Union, they become free Ships, to the general Ruine of the Shipping in the whole Island.

And this was Remarkably true, to *England's* prodigious Loss, when in the last *Dutch* War, the Ships taken from *Holland* as Prize, were made free, the People bought *Dutch* Ships, caused sham Privateers to take them, and for several years, some hundreds of them were Employed in their Coal Trade, to the Ruine of the Town of *Ipswich*, where all the large Coal Ships used to be Built, --- which Loss that Town never recovered.

To give a time therefore, to have all Ships Own'd by Scotsmen come in to be free, is to open a Door to a Mischief, which it cannot be desired, *England* should suffer in Trade; and the value now supposed to be Toucht here, is but very small.

All that I can see in this, is, That a *Medium* be found out, which if it must be, tho I do not grant that necessity neither, *is this*, That at the time of the Treaty, the MAJOR PART of such Vessel did belong to the Subjects of Scotland, I confess this seems to have some colour of Reason in it, that the Majority should Denominate the whole, and I would hope *England* would not Dispute it, since they do not deny any Foreigners, Holding or Owning any Share of an *English* Vessel, but the Legitimacy of the Vessel consists in her Bottom.

Now if the Majority of Owners as to the Value, I mean, were not *Scots*, no Ship can be accounted Legitimate. If a *Scots* Merchant Owns  $\frac{3}{8}$  of a Ship, and a *Dutchman*  $\frac{5}{8}$  she cannot be accounted in Reason, any thing but a *Dutch* Ship, especially when her Bottom is *Dutch* too, for the Denomination must go with the Major; and it's not the *Dutch* Merchant is a part Owner of the *Scotsman's* Ship, but the *Scotsman* is a part Owner of the *Dutchman's* Ship.

This small *Medium*, I think, will reduce this Article to a Square, and an Explanatorie Clause to that purpose, will in two Lines determine that Point.

*All which is Humbly Remitted to the Consideration of the Right Honourable the Estates of Parliament.*





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